

BROOKHAVEN ADVOCACY COUNCIL (BAC)

BY-LAWS

Revised November 5th 2005.

Introduction

The Brookhaven Advocacy Council (BAC) advises and makes recommendations to the Laboratory Director on the resolution of employee, guest, and user concerns/issues that are brought to the attention of the BAC. *The BAC shall function independently of the Human Resources Division, reporting directly to the Laboratory Director.*

A key component of the Laboratory's commitment to fairness, the BAC is charged with the authority to receive and respond to employee, guest, and user concerns/issues; analyze and research data; and propose resolutions. The BAC shall have access to all pertinent, uncensored information, within the Laboratory's guidelines regarding confidentiality, to assist in the resolution of concerns/issues.

Nominating Committee

The Nominating Committee is selected by the Laboratory Director and composed of employees who have previous experience on similar committees. The Nominating Committee recommends to the Director a slate of candidates that represents adequate and full representation of the Laboratory's diverse workforce for membership on the BAC. Candidates are culled from a Lab-wide solicitation. The Director appoints BAC members.

Membership

The Council will consist of 11 members, with consideration of representation by job classification, as well as by race and gender.

The term of membership is 3 years*. Terms generally expire on a staggered basis. New members normally begin service at the June meeting of the Council. Retiring members may apply for reappointment through the Nominating Committee process.

* *For the first year of the BAC, four members will rotate out after completing one year of service and four new members will be selected for a three year term. After the second year of the BAC, three members will rotate out and three new members will be selected for a three year term. After the third year of the BAC, four members will rotate out and four new members will be selected for a three year term. Subsequently, the BAC membership rotation will continue using a 4, 3, 4 sequence, for example:*

*2002 - 4 members rotate out
2003 - 3 members rotate out
2004 - 4 members rotate out
2005 - 4 members rotate out
2006 - 3 members rotate out
2007 - 4 members rotate out*

Roles and Responsibilities

The Brookhaven Advocacy Council:

- Shall conduct itself in such a way that employees, guests, and users feel confident that their concern/issues will be taken seriously, confidentially, and addressed in a timely way by the BAC.
- Shall establish an aggressive training program to communicate to BNL staff the role of the BAC and the mechanism for raising concerns/issues to the BAC.
- Shall communicate with the employee, guest, or user during and following the resolution of their concern/ issue to ensure the BAC's awareness of possible retaliation.
- Shall report, on a quarterly basis, to the Laboratory Director any employee, guest, or user concerns/issues that are brought to the Council's attention, omitting any employee, guest, or user names.
- Shall keep all other management and employees, guests, and users informed of ongoing issues and resolutions via a BAC web site.
- Shall review diversity tracking statistics when a concern of this nature is brought to the BAC's attention, and working with the Diversity Office, provide input to the Laboratory Director. In addition, the BAC will receive periodic briefings by the Diversity Office with regard to any current concerns or issues.
- Shall invite terminating employees, guests, and users to share their experiences at BNL prior to their departure.

Officers

The Council shall have three officers, a Chairperson, a Co-Chairperson, and a Secretary. The term of office will be one year, June to June.

Candidates for the officers may be proposed by any member of the Council and will be voted on at the May meeting. Officers shall be elected with 51% or more

of the full voting membership from a slate of candidates provided by the Chairperson prior to the meeting. Any member who cannot attend the May meeting may vote for Officers by faxing, mailing, or delivering a BAC Proxy/Absentee Ballot Form (which will be provided by the Chairperson) to the Chairperson. The BAC Proxy/Absentee Ballot Form must be received by the Chairperson at least one-hour prior to the start of the meeting at which the election of officers is scheduled to occur. The form may be sent electronically and followed as soon as possible by a hard copy with signature.

The Chairperson is responsible for the conduct of the meetings, the preparation of the Agenda, the calling of special meetings, the appointment of subcommittees, and the transmittal of formal reports and recommendations.

The Co-Chairperson replaces the Chairperson when absent, assuming all of the duties of the Chairperson.

The Secretary is responsible for records of Council membership, for minutes of meetings, and for notices of meetings, which must be in writing. The Council case records should be purged three years after resolution.

Membership Responsibility

A requirement of Council membership is regular participation in the monthly meetings of the Council.

A Council member who is to be absent for a continuous period of longer than six months shall resign. A Council member who has been absent for more than six of the previous twelve regular monthly meetings shall forfeit membership in the Council. Recommendations for forfeiture of membership will be made by a majority vote of the Council members to the Laboratory Director. Exceptions to the forfeiture of membership may be approved by the majority vote of the Council members upon a written request by the Council Chairperson.

A special meeting of the Nominating Committee shall be held within one month to replace any departing member for the balance of the unexpired term. If the unexpired term is six months or less, the newly selected member shall automatically succeed to the next three-year term. If the unexpired term is more than six months the member may be reselected for a full term.

Subject Matter Experts (SMEs)

By invitation of the Chairperson, Subject Matter Experts (SMEs) may participate in Council investigations. The names of the SMEs will, when possible, be listed on the Agenda of the meeting.

Regular Meetings

Regular meetings of the Council shall be held once per month.

A majority of the Council membership constitutes a quorum at a regular meeting.

A majority vote of the members present is required to carry a motion.

Amendments to By-laws

These By-laws may be changed by meeting the following requirements:

1. Each Council member must receive a written notice of the proposed change at or before the regular meeting at which the proposed changes are to be voted upon.
2. The proposed change as it appears in the minutes of a previous meeting must be approved by affirmative votes of two-thirds of the membership in attendance at that meeting.

Process Guidelines for Recording, Responding, and Tracking Concerns/Issues

When contacted, the Council shall provide employees, guests, and users (individual) an initial response to their concern or issue within 10 working days. In concert with its confidentiality guidelines, the Council shall make every attempt to ensure confidentiality and shall maintain professionalism in the handling of an individual's concern.

The Council shall not handle any issues raised by a member of a bargaining unit unless the issue is outside the scope of union business. The Council shall seek the guidance from Laboratory Legal Counsel prior to getting involved in this type of potential case.

The Council shall not handle any issues or concerns that are in the process of litigation or currently being handled by an outside regulatory body (e.g., EEOC, Labor Dept).

Contact

An individual may directly contact any member of the Council. If a Council member is contacted, they shall advise the individual of all the typical options (e.g., line management, Human Resources, Diversity) available at the Lab for handling an issue or concern. The contacted Council member presents the

individual's concern to the Council Chair. The individual shall be given an opportunity, if he or she so wishes to present the concern to the Council in person. In either case, the Council shall ask the individual to provide documentation related to the concern and specify the course of action desired of the Council.

Assignment

The Council Chair appoints an appropriate member, or members (investigation team), to conduct a preliminary investigation of the individual's concern/issue.

Preliminary Investigation

The investigation team shall contact the individual to discuss their concern in further detail. After preliminary investigation and discussion with the individual, the investigation team will present their information to the Council for review and to determine if further investigation is warranted. Each Council member will have the opportunity to review all pertinent material and ask questions accordingly.

Case Notification

If the Council determines the situation merits further investigation, the Chair shall prepare a Case Notification memo to the Laboratory Director stating the commencement of an investigation and succinctly describing the nature of the individual's concern. A case number shall be assigned that corresponds to the year and sequential case for that year (e.g., 05-01).

If the Council concludes the concern does not warrant a case, the individual is notified and provided with the Council's feedback.

Investigation

The investigation team may contact any person they believe necessary to help resolve the individual's concern. The investigation team shall keep an accurate record of the information obtained during the investigation including interview notes, discussions, e-mails, memos, or other actions taken or presented to the Council that directly relate to the case.

Case Recommendation

The investigation team will prepare a draft case recommendation for review by the Council. At this time all facts contained within the recommendation memo and those that led to the recommendation, shall be double-checked for accuracy. The Council Chair shall finalize the "fact-checked" draft case recommendation memo and send it to the Laboratory Director with a proposed distribution list for

approval. Once approved, the final case recommendation is released to the distribution list.

Official Case Records

After disposition and case closure, all information gathered by the Council shall be assembled in a case file and transferred to the Director's office for secure storage.

The success of the BAC, and participation of its members, is key to the quality of life at the Laboratory. Supervisors are encouraged to support the efforts of the BAC members.